

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,  
Plaintiff,  
v.  
7-ELEVEN, INC., DBA 7-ELEVEN  
#23615, et al.,  
Defendants.

Case No. 2:21-cv-01984-WBS-CSK

ORDER SETTING BRIEFING SCHEDULE  
ON MOTION FOR SUBSTITUTION OF  
PARTIES

This matter was remanded to this district court by the Ninth Circuit Court of Appeal to address any issues raised by the substitution of Plaintiff Darren Gilbert's successors during the pendency of the appeal.<sup>1</sup> (ECF Nos. 67, 69.) The Ninth Circuit's mandate was issued on November 17, 2025. (ECF No. 69.) Having reviewed the parties' status reports (ECF Nos. 71, 72), IT IS HEREBY ORDERED:

1. Within thirty (30) days of this order, Defendant 7-Eleven, Inc., dba 7-Eleven #23615, is to deliver \$9,010.87 (\$4,000 for the judgment award and \$5,010.87 for the taxed costs) to Plaintiff Darren Gilbert's counsel to be held in trust pending the resolution of the issues raised on remand;

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<sup>1</sup> On December 11, 2025, the assigned district judge referred this matter to the undersigned pursuant to 28 U.S.C. § 636(b)(3) for further proceedings. 12/11/2025 Order (ECF No. 74).

2. Plaintiff is ordered to file a motion for substitution of parties pursuant to Federal Rule of Civil Procedure 25 within sixty (60) days of this order. The motion must be filed following the procedures of Local Rule 230 and Judge Kim's Civil Standing Orders. Parties shall comply with the briefing schedule as set forth under Local Rule 230; and
3. Plaintiff's motion for attorney's fees (ECF No. 63) will remain stayed as Plaintiff has not made a formal motion to lift the stay pursuant to the Local Rules or Federal Rules of Civil Procedure.

Dated: December 19, 2025

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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